

PATENT COOPERATION TREATY

PCT

REC'D 13 DEC 2004

WIPO

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 85/TY00L63/MO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/IB2004/000166	International filing date (day/month/year) 23.01.2004	Priority date (day/month/year) 24.01.2003	
International Patent Classification (IPC) or national classification and IPC B60R21/16			
<p>Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA et al.</p>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the International application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of Invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 23.08.2004	Date of completion of this report 10.12.2004		
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Cipriano, P Telephone No. +49 89 2399-7227		



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IB2004/000166

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
 2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-18 as originally filed

Claims, Numbers

1-28 as originally filed

Drawings, Sheets

1/28-28/28 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/000166

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-28
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-28
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-28
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/IB2004/000166

Re Item V.

- 1 The following documents are referred to in this communication:
 - D1: PATENT ABSTRACTS OF JAPAN vol. 2003, no. 03, 5 May 2003 (2003-05-05) & JP 2002 337653 A (TAKATA CORP), 27 November 2002 (2002-11-27)
 - D2: US-A-6 092 836 (SASLECOV VENTI) 25 July 2000 (2000-07-25)
 - D3: PATENT ABSTRACTS OF JAPAN vol. 2003, no. 01, 14 January 2003 (2003-01-14) & JP 2002 249016 A (TOYODA GOSEI CO LTD), 3 September 2002 (2002-09-03)
 - D4: US-A-4 290 627 (CUMMING RICHARD J ET AL) 22 September 1981 (1981-09-22)
- 2 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parenthesis applying to this document):
"a knee protecting apparatus (1) for an occupant of a vehicle, comprising:
an airbag (4) disposed in front of a knee of the occupant;
an inflator (6) for supplying gas to the airbag (4) upon collision of the vehicle so that the airbag (4) is deployed by the supplied gas; and
an airbag support (26,34,38)".

From this, the subject-matter of independent claim 1 differs in that:
- said airbag support (26,34,38) expands upon deployment of the airbag so as to cover an instrument panel of the vehicle
- 2.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)
The problem to be solved by the present invention may be regarded as:
to provide a smoother expansion of the airbag
- 2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
none of the documents in the prior art discloses such an apparatus nor renders it obvious.
- 2.3 Claims 2-28 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/IB2004/000166